FILED
2021 Apr-21 PM 04:04
U.S. DISTRICT COURT
N.D. OF ALABAMA

EXHIBIT A

Case 2:21-cv-00561-RDP Document 1-1 Filed 04/21/21 Filed 04/21/21 GELECTRONICALLY FILED 3/17/2021 4:28 PM

State of Alabama **Unified Judicial System** Form ARCiv-93 Rev. 9/18

COVER SHEET CIRCUIT COURT - CIVIL CASE

(Not For Domestic Relations Cases)

01-CV-2021-900842.00 Cas CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA JACQUELINE ANDERSON SMITH, CLERK Judge Code:

Date of ⊢iling: 03/17/2021

GENERAL INFORMATION			
IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA JAMIE FLOWERS v. RESURGENT CAPITAL SERVICES, L.P.			
First Plaintiff: ☐ Business ☐ Individual ☐ Government ☐ Other	First Defendant: ✓ Business		
NATURE OF SUIT: Select primary cause of action	n, by checking box (check only one) that best characterizes your action:		
TORTS: PERSONAL INJURY WDEA - Wrongful Death TONG - Negligence: General TOMV - Negligence: Motor Vehicle TOWA - Wantonness TOPL - Product Liability/AEMLD TOMM - Malpractice-Medical TOLM - Malpractice-Legal TOOM - Malpractice-Other TBFM - Fraud/Bad Faith/Misrepresentation TOXX - Other: TORTS: PERSONAL INJURY TOPE - Personal Property TORE - Real Properly OTHER CIVIL FILINGS ABAN - Abandoned Automobile ACCT - Account & Nonmortgage APAA - Administrative Agency Appeal ADPA - Administrative Procedure Act ANPS - Adults in Need of Protective Service	OTHER CIVIL FILINGS (cont'd) MSXX - Birth/Death Certificate Modification/Bond Forfeiture Appeal/ Enforcement of Agency Subpoena/Petition to Preserve CVRT - Civil Rights COND - Condemnation/Eminent Domain/Right-of-Way CTMP - Contempt of Court CONT - Contract/Ejectment/Writ of Seizure TOCN - Conversion EQND - Equity Non-Damages Actions/Declaratory Judgment/ Injunction Election Contest/Quiet Title/Sale For Division CVUD - Eviction Appeal/Unlawful Detainer FORJ - Foreign Judgment FORF - Fruits of Crime Forfeiture MSHC - Habeas Corpus/Extraordinary Writ/Mandamus/Prohibition PFAB - Protection From Abuse EPFA - Elder Protection From Abuse QTLB - Quiet Title Land Bank FELA - Railroad/Seaman (FELA) RPRO - Real Property WTEG - Will/Trust/Estate/Guardianship/Conservatorship COMP - Workers' Compensation V CVXX - Miscellaneous Circuit Civil Case		
ORIGIN: F ✓ INITIAL FILING R □ REMANDED	A PPEAL FROM O OTHER DISTRICT COURT T TRANSFERRED FROM OTHER CIRCUIT COURT		
HAS JURY TRIAL BEEN DEMANDED? YES VO NO Note: Checking "Yes" does not constitute a demand for a jury trial. (See Rules 38 and 39, Ala.R.Civ.P, for procedure)			
RELIEF REQUESTED: MONETARY AWARD REQUESTED NO MONETARY AWARD REQUESTED			
ATTORNEY CODE: HUS004 3/17 Date	7/2021 4:28:30 PM /s/ CURTIS RAY HUSSEY Signature of Attorney/Party filing this form		
MEDIATION REQUESTED: ☐ YES ✓ NO ☐ UNDECIDED			
Election to Proceed under the Alabama Rules for Expedited Civil Actions: ☐ YES ✓ NO			

Case 2:21-cv-00561-RDP Document 1-1 Filed 04/21/21

JACQUELINE ANDERSON SMITH, CLERK

IN THE CIRCUIT COURT OF JEFFERSON COUNTY, STATE OF ALABAMA

Jamie Flowers, individually, and on behalf of)
all other similarly situated consumers,)
Plaintiff,)
VS.)
Resurgent Capital Services, L.P.,)
Defendant.)
)

COMPLAINT

Plaintiff, JAMIE FLOWERS ("Plaintiff") alleges:

- 1. This is an action for damages arising from Defendant's violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq. ("FDCPA").
- 2. Plaintiff is a natural person, who at the relevant time resided in Leeds, Alabama, but currently resides in Birmingham Alabama.
- 3. Defendant is a corporation doing business in the State of Alabama, with its corporate headquarters located at 55 Beattie Place, Suite 110, Greenville, South Carolina 29601. Defendant may be served on its agent, Corporation Service Company, Inc., 641 South Lawrence Street, Montgomery, Alabama 36104.
- 4. Defendant is a "debt collector" as the phrase is defined and applied under 15 U.S.C. §1692(a) of the FDCPA in that they regularly attempt to collect on debts primarily incurred for personal, family or household purposes.

5. Plaintiff repeats and re-alleges the allegations contained in the above paragraphs and incorporates them as if set forth specifically herein.

FACTUAL STATEMENT

- 6. On a date better known by Defendant, Plaintiff obtained a personal loan used for personal, familial, or household purposes.
- 7. In an attempt to collect said debt, Defendant sent Plaintiff an initial letter dated March 20, 2020, attached hereto as Exhibit A.
- 8. The letter states, "This letter will serve as notification that effective on 03/20/2020 LVNV Funding LLC has placed your account with Resurgent Capital Services, L.P. for servicing."
- 9. The letter is missing the mandatory notices required by 15 U.S.C. § 1692g.
- 10. Specifically, the letter failed to inform the consumer of her rights under § 1692g(a)(1)-(3).
- 11. The letter is further missing the notification required by 15 U.S.C. § 1692e(11), which requires a debt collector to disclose that the debt collector is attempting to collect a debt and that any information obtained will be used for that purpose.
- 12. Both of these missing notifications are mandatory and material. Without these rights being explained, Plaintiff is specifically misled into not being aware that she can dispute the debt. In fact, Plaintiff did not dispute the debt within the 30-day time frame. Further, the absence of the disclosure misled the Plaintiff into believing that Defendant is not attempting to collect the debt and will not attempt to contact her by further letters or phone calls.
- 13. Accordingly, the letter violates the FDCPA.

CLASS ACTION ALLEGATIONS

The Class

- 14. Plaintiff brings this as a class action pursuant to Ala. R. Civ. P. 23 on behalf of herself and all others similarly situated who have received similar debt collection letters from Defendant, which, as alleged herein, are in violation of the FDCPA.
- 15. The class is defined as follows:

All consumers within the State of Alabama that have received collection letters from Defendant substantially similar to Exhibit A sent within one year prior to filing of this complaint.

Excluded from the Class is Defendant herein, and any person, firm, trust, corporation, or 16. other entity related to or affiliated with the defendant, including, without limitation, persons who are officers, directors, employees, associates or partners of Defendant.

Numerosity

- 17. Upon information and belief, Defendant has sent hundreds of similar letters to consumer debtors throughout Alabama, each of which violates the FDCPA. The members of the Class, therefore, are believed to be so numerous that joinder of all members is impracticable.
- 18. The suits filed by Defendant, and received by the Class, are to be evaluated by the objective standard of the hypothetical "least sophisticated consumer."
- 19. The exact number and identities of the Class members are unknown at this time and can only be ascertained through discovery. Identification of the Class members is a matter capable of ministerial determination from Defendant's records.

Common Questions of Law and Fact

20. There are questions of law and fact common to the class that predominates over any questions affecting only individual Class members. These common questions of law and fact include, without limitation: (i) whether Defendant violated various provisions of the FDCPA; (ii) Case 2:21-cv-00561-RDP Document 1-1 Filed 04/21/21 Page 6 of 16

whether the Plaintiff and the Class have been injured by the conduct of Defendant; (iii) whether the Plaintiff and the Class have sustained damages and are entitled to restitution as a result of Defendants wrongdoing and, if so, what is the proper measure and appropriate statutory formula to be applied in determining such damages and restitution; and (iv) whether the Plaintiff and the Class are entitled to declaratory and/or injunctive relief.

Typicality

The Plaintiff's claims are typical of the claims of the class members. Plaintiff and all 21. members of the Plaintiff's Class defined in this complaint have claims arising out of the Defendants common uniform course of conduct complained of herein. Plaintiff's claims are typical of the claims of the Class, and Plaintiff has no interests adverse or antagonistic to the interests of other members of the Class.

Protecting the Interests of the Class Members

- 22. Plaintiff will fairly and adequately represent the Class members' interests, in that the Plaintiff's counsel is experienced and, further, anticipates no impediments in the pursuit and maintenance of the class action as sought herein.
- 23. Neither the Plaintiff nor her counsel have any interests, which might cause them not to vigorously pursue the instant class action lawsuit.

Proceeding Via Class Action is Superior and Advisable

- 24. A class action is superior to other methods for the fair and efficient adjudication of the claims herein asserted, this being specifically envisioned by Congress as a principal means of enforcing the FDCPA, as codified by 15 U.S.C.§ 1692(k).
- 25. The members of the Class are generally unsophisticated individuals, whose rights will not be vindicated in the absence of a class action.

- Case 2:21-cv-00561-RDP Document 1-1 Filed 04/21/21 Page 7 of 16
- 26. Prosecution of separate actions by individual members of the Class would create the risk of inconsistent or varying adjudications resulting in the establishment of inconsistent or varying standards for the parties.
- 27. Certification of a class under Rule 23(b)(3) of the Alabama Rules of Civil Procedure is also appropriate in that the questions of law and fact common to members of the Plaintiff's Class predominate over any questions affecting an individual member, and a class action is superior to other available methods for the fair and efficient adjudication of the controversy.
- 28. Depending on the outcome of further investigation and discovery, Plaintiff may, at the time of class certification motion, seek to certify one or more classes only as to particular issues pursuant to Ala. R. Civ. P. 23(c)(4).
- A class action will permit a large number of similarly situated persons to prosecute their 29. common claims in a single forum simultaneously, efficiently, and without the duplication of effort and expense that numerous individual actions would engender. Class treatment also will permit the adjudication of relatively small claims by many Class members who could not otherwise afford to seek legal redress for the wrongs complained of herein.
- 30. Absent a class action, the Class members will continue to suffer losses borne from Defendant's breaches of Class members' statutorily protected rights as well as monetary damages, thus allowing and enabling: (a) Defendant's conduct to proceed and; (b) Defendant to further enjoy the benefit of its ill-gotten gains.
- Defendant has acted, and will act, on grounds generally applicable to the entire Class, 31. thereby making appropriate a final injunctive relief or corresponding declaratory relief with respect to the Class as a whole.

COUNT I VIOLATION OF THE FAIR DEBT COLLECTION PRACTICES ACT 15 U.S.C. §1692 et seq.

- 32. Plaintiff repeats, realleges, and reincorporates the allegations contained in the paragraphs above and incorporates them as if set forth specifically herein.
- 33. Defendant's letter violates 15 USC §§ 1692g, and e(11) of the FDCPA.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court do the following:

- A. Certify the class described herein and appoint Plaintiff as Lead Plaintiff, and Plaintiff's Counsel as Lead Counsel;
- B. Enter judgment against Defendant for statutory damages;
- C. Award costs and reasonable attorneys' fees;
- D. Grant such other and further relief as may be just and proper.

JURY TRIAL DEMAND

Plaintiff demands a jury trial on all issues so triable.

Dated: March 17, 2021

Respectfully Submitted,

/S/ Curtis Hussey

Curtis Hussey, Esq. (HUS004) Hussey Law Firm LLC 82 Plantation Pointe #288 Fairhope, Alabama 36532 T: 251-928-1423 gulfcoastadr@gmail.com Attorney for Plaintiff

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Case 2:21-cv-00561-RDP Document 1-1

P.O. BOX 1410 TROY, MI 48099-1410 RETURN SERVICE REQUESTED



JAMIE FLOWERS

LEEDS AL 35094-5869

File 04/21/24 FILECTRONIC ALLY FILED 3/17/2021 4:28 PM 01-CV-2021-900842.00 CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA JACQUELINE ANDERSON SMITH, CLERK

Account ID

Account Number Ending in 6795
Last Payment Date: 08/13/2019
Current Balance: \$1,098.92
Original Creditor, Credit One Bank, N.A.

03/20/2020

Dear Jamie Flowers:

This letter will serve as notification that effective 03/20/2020 LVNV Funding LLC has placed your account with Resurgent Capital Services L.P. for servicing. We know people need flexible payment options, and we want to find one that works for you. We've helped millions of people resolve their past-due obligations, so we can help you get started with yours.

It's easy to work with Resurgent. Let us help you today!

- You can access your account on our online portal at Portal.Resurgent.com
- You can call us directly at Call 877-893-0159 to confirm your payment plan we will work with you to find the best solution for you!
- You can select your payment method self-pay online at portal resurgent.com or we can set up your payments for
 you with no additional fees.

For further assistance, please contact one of our professional account managers toll-free at 877-893-0159.

Please note that a negative credit bureau report reflecting on your credit record may be submitted to a credit reporting agency by the current account owner if you fail to fulfill the terms of your credit obligations. This notice in no way affects any rights you may have.

Sincerely,

Resurgent Capital Services L.P.



Monday-Friday: 8:00AM-5:00PM

X

Correspondence address: P.O. Box 10497 Greenville, SC 29603-0497

Phone: 877-893-0159 Fax: 866-467-0912



Pay online: Portal.Resurgent.com e-Mail: contactcs@resurgent.com

SEE REVERSE SIDE OR ATTACHED FOR AN IMPORTANT STATEMENT OF YOUR RIGHTS.

P 1000001 A-691433319

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PRIVACY NOTICE

This Privacy Notice is being provided on behalf of each of the following related companies (collectively, the "Resurgent Companies"). It describes the general policy of the Resurgent Companies regarding the personal information of customers and former customers.

Resurgent Capital Services L.P.

Resurgent Acquisitions LLC PVOD I

LVNV Funding, LLC Ashley Funding Services LLC PYOD LLC SEC RED. LLC

Resurgent Receivables LLC

Pinnacle Credit Services, LLC

SFG REO, LLC

Resurgent Funding LLC

Sherman Originator LLC

CACV of Colorado, LLC

Anson Street LLC

CACH, LLC

Sherman Originator III LLC

Sherman Acquisition L.L.C.

Information We May Collect. The Resurgent Companies may collect the following personal information:

(1) information that we receive from your account file at the time we purchase or begin to service your account, such as you, or that we may obtain through your transactions with us, such as your income and payment history; (3) information that we obtain from other third party information providers, such as your creditworthiness and credit history, and (4) information available data about you, such as bankruptcy and mortgage filings. All of the personal information that we collect is

Confidentiality and Security of Collected Information. At the Resurgent Companies, we restrict access to collected information about you to individuals who need to know such collected information in order to perform certain services in encryption and password protection), and procedural safeguards (like restricted access), electronic safeguards (like information about you.

<u>Sharing Collected Information with Affiliates From time to time</u>, the Resurgent Companies may share collected information about customers and former customers with each other in connection with administering and collecting accounts to the extent permitted under the Fair Debt Collection Practices Act or applicable state law.

<u>Sharing Collected Information with Third Parties</u> The Resurgent Companies do not share collected information about customers or former customers with third parties, except as permitted in connection with administering and collecting accounts under the Fair Debt Collection Practices Act and applicable state law.



State of Alabama
Unified Judicial System

SUMMONS - CIVIL -

Court Case Number 01-CV-2021-900842.00

Form C-34 Rev. 4/2017	- CIVIL -				
IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA					
JAMIE FLOWERS V. RESURGENT CAPITAL SERVICES, L.P.					
NOTICE TO: RESURGENT CA	APITAL SERVICES, L.P., C/O CORP. SERVICE COMP	PANY 641 SOUTH LA	AWRENCE ST., MONTGOMERY, AL 36104		
	(Name and Addr	ress of Defendant)		-	
THE COMPLAINT OR OTHER DOCUMENT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT, AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS. YOU OR YOUR ATTORNEY ARE REQUIRED TO FILE THE ORIGINAL OF YOUR WRITTEN ANSWER, EITHER ADMITTING OR DENYING EACH ALLEGATION IN THE COMPLAINT OR OTHER DOCUMENT, WITH THE CLERK OF THIS COURT. A COPY OF YOUR ANSWER MUST BE MAILED OR HAND DELIVERED BY YOU OR YOUR ATTORNEY TO THE PLAINTIFF(S) OR ATTORNEY(S) OF THE PLAINTIFF(S), CURTIS RAY HUSSEY				2	
	[Name(s) of Attorney	r(s)]	_		
WHOSE ADDRESS(ES) IS/A	RE: 82 Plantation Pointe #288, FAIRHOPE				
	•	(es) of Plaintiff(s) or			
THE ANSWER MUST BE MAILED OR DELIVERED WITHIN 30 DAYS AFTER THIS SUMMONS AND COMPLAINT OR OTHER DOCUMENT WERE SERVED ON YOU OR A JUDGMENT BY DEFAULT MAY BE RENDERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT OR OTHER DOCUMENT.					
TO ANY SHER	RIFF OR ANY PERSON AUTHORIZED PROCEDURE TO SERVE		BAMA RULES OF CIVIL		
☐ You are hereby comma	nded to serve this Summons and a co	py of the Comp	plaint or other document in		
this action upon the abo	ove-named Defendant.				
✓ Service by certified mail	I of this Summons is initiated upon the	written reques	t of JAMIE FLOWERS		
pursuant to the Alabam	a Rules of the Civil Procedure.		[Name(s)]	•	
03/17/2021	/s/ JACQUELINE	ANDERSON S	SMITH By:		
(Date)	(Signat	ture of Clerk)	(Name)	•	
✓ Certified Mail is hereby requested. /s/ CURTIS RAY HUSSEY (Plaintiff's/Attorney's Signature)					
RETURN ON SERVICE					
Return receipt of certifie	ed mail received in this office on				
·			(Date)		
☐ I certify that I personally	delivered a copy of this Summons an	d Complaint or	other document to	_	
	in		County,		
(Name of Pe	erson Served)	(Nam	ne of County)		
Alabama on					
	(Date)				
			(Address of Server)		
(Type of Process Server)	(Server's Signature)			-	
	(Server's Printed Name)		(Phone Number of Server)	•	



NOTICE TO CLERK

REQUIREMENTS FOR COMPLETING SERVICE BY CERTIFIED MAIL OR FIRST CLASS MAIL

IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA JAMIE FLOWERS V. RESURGENT CAPITAL SERVICES, L.P.

01-CV-2021-900842.00

To: CLERK BIRMINGHAM clerk.birmingham@alacourt.gov

TOTAL POSTAGE PAID: \$7.36

Parties to be served by Certified Mail - Return Receipt Requested RESURGENT CAPITAL SERVICES, L.P. Postage: \$7.36 C/O CORP. SERVICE COMPANY 641 SOUTH LAWRENCE ST. MONTGOMERY, AL 36104

Parties to be served by Certified Mail - Restricted Delivery - Return Receipt Requested

Parties to be served by First Class Mail

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
Complete items 1, 2, and 3. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. Article Addressed to:	A. Signature X
RESURGENT CAPITAL SERVICES, L.F C/O CORP. SERVICE COMPANY	If VES, enter delivery address below: I No
641 SOUTH LAWRENCE ST. MONTGOMERY, AL 36104	CV-21-900842

U.S. Postal Service CERTIFIED WAIL® RECEIPT

CERTIFIED WAIL® RECEIPT

Domestic Mail Only

For delivery information, visit our website at www.usps.com*.

Certified Mail Fee

Services & Fees School box, sold has as appropriately

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Certified Mail Fee

An Certified Mail Fee

And Signature Restricted Delivery \$

Postmark

And Signature Restricted Delivery \$

Postage

Total Postage and Fees

City, State, ZIP4.4*

PS Form 3800, April 2015 PSN 7550 100-005-004

See Reverse for Instructions

SENDER: COMPLETE THIS SECTION:

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.
- 1. Article Addressed to:

RESURGENT CAPITAL SERVICES, L.P.

C/O CORP. SERVICE COMPANY 641 SOUTH LAWRENCE ST.

MONTGOMERY, AL 36104



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7020 2450 0000 5152

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COMPLETE THIS SECTION ON DELIVERY

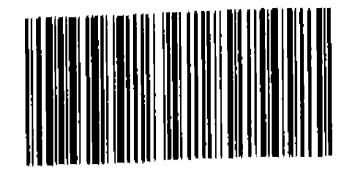
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If YES enter delivery address below	#: □ No
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CV-21-900842

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- ☐ Adult Signature Restricted Delivery
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- Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- Collect on Delivery Restricted Delivery 🛘 Insured Mail

- 🛘 Priority Mail Express@
- ☐ Registered Mail™
- Pegistered Mail Restricted Delivery
- Return Receipt for Merchandise
- ☐ Signature Confirmation™
- ☐ Signature Confirmation **Flestricled Delivery**

USPS TRACKING#



First-Class Mail Postage & Fees Paid usps Permit No. G-10

0209 5420 83 6151 9590 9402

United States Postal Service Sender: Please print your name, address, and ZIP+4⁹ in this box

FILED IN OFFICE CIRCUIT CIVIL DIVISION

JACQUELINE ANDERSON SMITH, CLERK ROOM 400 JEFF CO COURTHOUSE 716 RICHARD ARRINGTON JR BLVD., NO. BIRMINGHAM, ALABAMA 35203

MAR 30 1021

JACQUELINE ANDERSON SMITH CLERK

